

08.07.2021
Court No. 19
Item no.08
CP

WPA 10716 of 2021

Raj Kumar Bar & ors.
VS
State of West Bengal & ors.

(via video conference)

Mr. Partha Sarathi Bhattacharyya

....for the petitioners.

Mr. Jaharlal Dey
Mr. Shamimul Bari

....for the State respondents.

The petitioners are the elected members of Maipith Baikunthapur Gram Panchayat. By an order dated May 12, 2021 the Prescribed Authority and Sub-Divisional Officer, Baruipur, South 24-Parganas disqualified the petitioners from their membership of the said gram panchayat. The reasons for disqualification are that the petitioners were absent in three consecutive meetings of the gram panchayat held on September 9, 2020, October 7, 2020 and November 3, 2020. The petitioners preferred a statutory appeal before the District Magistrate, South 24-Parganas under Section 11(2) of the West Bengal Panchayat Act, 1973. It is contended that the appeal is still pending disposal.

The specific case of the petitioners is that the petitioners were present on November 3, 2020 at the meeting and they have sufficient records to prove their presence but the prescribed authority did not consider those documents. In paragraph 13 of their memorandum of appeal this point has been specifically taken.

Under such circumstances, this writ petition is disposed of with a direction upon the District Magistrate, South 24-Parganas, the appellate authority, to dispose of the appeal upon granting a hearing to the petitioners and to make their submissions on the basis of the records and the evidence. The appellate authority shall also give a hearing, if necessary, to any other person connected with the said appeal. All records and documents which have been filed by the petitioners before the prescribed authority shall be taken into consideration.

This court has not gone into the merits of the claim of the petitioners. The appellate authority shall dispose of the appeal in accordance with law upon following the principles of natural justice. The order should be passed and communicated within six weeks from date.

With the above observations, this writ petition is disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)